



# State of Connecticut COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

450 Columbus Boulevard, Suite 2, Hartford, CT 06103

*Promoting Equality and Justice for all People*

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## **Labor and Public Employees Committee Public Hearing – February 7, 2023**

### **CHRO Testimony Regarding**

**HB 5858 – An Act Establishing a Flexible Spending Account Program for Child Care Expenses**

**HB 6594 – An Act Concerning Noncompete Agreements**

**HB 6273 – An Act Concerning Disclosure of Salary Ranges on Public and Internal Job Postings**

Senator Kushner, Representative Sanchez, Senator Sampson, Representative Ackert, and members of the Labor and Public Employees Committee, thank you for the opportunity to testify in support of HB 5858, HB 6594, and HB 6273. As the civil rights enforcement agency tasked with eliminating discrimination throughout the state, the Commission on Human Rights and Opportunities wants to bring attention to how these bills will further that mission.

### **HB 5858 – An Act Establishing a Flexible Spending Account Program for Child Care Expenses**

This bill will establish a flexible spending account program available to private sector employees for expenses incurred for childcare, similar to the program already in place for state employees. Childcare is among the most costly expenses that families with children have. As a result, many families have to choose between paying for childcare or taking time away from their careers to take care of the kids. This bill will help families have a meaningful choice between work and childcare while also reducing sexism in the workplace overall.

While fathers are increasingly taking on childcare responsibilities, it is more often the mother that takes on a greater portion of these duties and suffers impediments to their career as a result. As they work reduced hours or leave their job entirely, their lifetime earning potential is limited. While a parent has to leave work early to pick up their kid from school, others are able to keep working, earning their way to promotions and raises. This is a major contributor to the gender pay gap as men, including fathers, are often able to keep working while having young kids at home while mothers often don't have that same opportunity.

Beyond the impact this has on the individual employee is the impact it has on overall sexism in employment. The reality of childcare obligations often mean that working parents are not able to work late or attend after-work social events that are important for career growth. That reality leads to assumptions about mothers needing to take time away from work which then leads to decisions being made based off those assumptions in hiring, promotions, or even just which employee gets the most prestigious assignments. As these decisions build on each other and career paths diverge, stereotypes about mothers being less productive than other employees can be reinforced, perpetuating patterns of sexism in the workplace.

This bill will not fix all of that. But it will help. By defraying even a portion of the cost, families will have greater access to childcare and can then choose for themselves whether to take time off of work or not. For that reason, the Commission supports HB 5858 as a means of helping to eliminate discrimination in our state.

## **HB 6594 – An Act Concerning Noncompete Agreements**

Similar to HB 5858, this bill will help reduce discrimination in our state by limiting the use and enforceability of noncompete agreements. These agreements have become commonplace, restricting the ability of employees to leave their employment by not being able to find new work in the field in which they've developed an expertise. When employees become trapped through limited alternatives, they become vulnerable to discrimination.

The nation has had a recent reckoning with just how pervasive sexual and racial harassment is in the workplace. Part of the reason harassment has become so widespread is because employees don't often have the power or right to speak out against their abuse for fear of losing their livelihood. In a choice between speaking out against harassment and discrimination on one hand and putting food on their table, many employees will choose the latter. This power dynamic can allow a bad actor to victimize co-workers without consequence.

Non-compete agreements play a large role in that trap. Employees who become specialized in a particular field may not be able to find work outside their employer except with a competitor. Noncompete agreements mean that employees who may need to escape a hostile environment have to either forgo income for the duration of the agreement or find employment outside their field, often at a reduced salary.

This dynamic is even more pronounced when an employee already faces discrimination. Black, Indigenous, and people of color already face discrimination in hiring decisions. If they have worked hard to rise up through the ranks of an employer, having to find a new job in a new field where hiring based on the quality of one's work is not even an option in an industry unfamiliar with what one has done in the past becomes an even more daunting barrier to speaking out.

In short, the Commission supports limiting the use of non-competes as a way to protect the ability of employees to speak out against discrimination. For that reason, the CHRO supports HB 6594.

## **HB 6273 – An Act Concerning Disclosure of Salary Ranges on Public and Internal Job Postings**

The Commission on Human Rights and Opportunities was proud to support Public Act 21-30, which made Connecticut one of the first states to require employers to provide salary ranges for vacant positions upon request or before an initial offer is made, upon hire, or upon a change in an employee's position. HB 6273 continues that work by requiring employers to provide salary ranges on public and internal job postings, increasing transparency and further leveling the playing field between applicants and employers.

This would be another important step toward closing the gender wage gap in Connecticut. Pay negotiations tend to be unfavorable to women. Historically, women are less likely to receive promotions than men at their current jobs. They are also more likely to be seen as overly aggressive when negotiating pay while seeking a new job. Due in part to these factors, women continue to earn significantly less than men in Connecticut, earning just \$0.83 for every dollar paid to men. This gender wage gap is even more significant for women of color. Black women working full-time, year-round earn \$0.57 for every dollar paid to men; Indigenous women earn \$0.55 to the dollar; and Latina women earn \$0.48 to the dollar.

Connecticut has taken important steps to address pay equity over the last few years, and the Commission urges the Labor Committee to pass HB 6273 to continue these efforts.